

From: Scott
To: Microsoft ATR
Date: 11/28/01 8:46pm
Subject: Damages, remedy.

I would like to see a provision that limits the extent to which retail licence fees can exceed posted OEM licence fees. Also, an admission of guilt on the part of Microsoft would go a long way in validating any settlement in the public's eyes, and provide a firm basis for action enforcing the agreement, should Microsoft stray from it.

That aside:

The public has been damaged by Microsoft's abuse of its market share, and those damages far exceed four dollars per US citizen. Much more careful consideration must be made on the part of the state to assess the extent of the damages created by Microsoft's monopolistic practices, and seek a judgement more pursuant to that amount.

Futhermore, no anti-trust settlement should extend the power of the defendant. Microsoft derives power from its mind share, the percentage of the population that is familiar with its products. Microsoft already has programs to give away software to students for the sake of extending their mind share. Any settlement should seek to undermine the defendant's monopolistic power, not reinforce it by some of the very means by which the defendant acquired said power. For this reason, a settlement along the lines of Red Hat Software's proposal is much more fitting. (Linked to below.) A remedy needs to be reached that introduces and strengthens competition rather than effectively barring it from public schools!

Microsoft would undoubtedly claim that their software is more fitting to the needs of inner city schools than Red Hat's. I disagree. Linux has progressed to the point where, for basic desktop needs, tools have been developed that suffice for internet and office applications. Furthermore, these tools are priced such that these tools are more affordable: they're free, so poor students having the same software at home as at school is more realistic. Also, for non-basic desktop needs such as software development, most Linux distributions, including Red Hat come with full featured compilers and text editors for multiple languages whereas Microsoft's equivalent products are very costly. So Microsoft paid hardware running Red Hat software would allow for more schools to benefit, while simultaneously increase the benefit those schools could derive from each of the systems.

For all of these reasons, it is my opinion that the most ideal solution possible based on the currently proposed one would include:

1 - Free, community owned software on machines going to the benefit of the community and are paid for by Microsoft.

2 - Many more machines paid for by Microsoft than are provided for by the current proposal.

Finally, even if my above advice goes unheeded, the settlement should seek to reclaim for the public good compensation for the damage incurred, not temporary rights for the public to utilize the fruits of the transgression. If the state seeks rights to Microsoft's software, it should be in a form that does not become obsolete.

For reference, Red Hat's press release including their proposal is linked to below:

http://www.redhat.com/about/presscenter/2001/press_usschools.html

Sincerely, Scott O'Neil
Student, Programmer, Inventor